Claim 22.   *(Original)* The computer system according to claim Claim 12 wherein said application server further comprises

(a)   computer readable program code means for providing a web interface wherein one or more users can create one or more requirements folders using said web interface and saving said one or more requirements folders in a relational database coupled to an application server that provides said web interface,

(b)   computer readable program code means for providing a web-interactive interface wherein one or more users can create one or more XML encoded test cases using a web-interactive authoring tool and saving said one or more XML encoded test cases in a relational database coupled to said application server that provides said web interface, and

(c)   computer readable program code means for providing a web interface wherein one or more users can sort said one or more XML encoded test cases within said one or more requirements folders.

REMARKS

This responds to the Office Action mailed on May 18, 2006, and the references cited therewith.

Claims 2-4, 10, 14 and 18 are canceled. As a result, the claims originally numbered as 1, 5-9, 11-13, 15-17 and 19-22 are now pending in this application.

Claims 1, 8, 9, 12, 13, 16, 19 and 20 are amended. In particular, the claim language has been amended to relate particularly to the testing of Graphical User Interfaces (GUI) and their corresponding Graphical User Interface objects by incorporating test steps that test the functionality of such GUI objects. Furthermore, the claims have been amended to incorporate a limitation originally recited in claims 4 and 14 into the independent claims to recite XML encoded test cases.

Applicant submits that no new matter has been added to the specification or claims.

Objections to the Drawings

The Examiner's objections to the drawings are acknowledged. Enclosed herewith, Applicants submits replacement drawings prepared by a professional draftsperson. Applicants aver that no new matter has been added by these replacement drawings and respectfully requests withdrawal of the objection.

Objections to the Priority Language

The Examiner's objection to the priority language in the specification is acknowledged. Enclosed herewith, Applicants submits a replacement page correcting the reference to "USSN," which has been changed to "U.S. Provisional Application Serial Number." Applicants respectfully request withdrawal of this objection.

Objections to the Abstract

The Examiner's objection to language in the abstract is acknowledged. Enclosed herewith, Applicants submit a replacement page with corrections to the objected to language. The "and/or" language objected to by the Examiner has been replaced with "or." Applicants respectfully request withdrawal of this objection.

§102 Rejection of the Claims

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Glenn et al. The Examiner alleges that Glenn et al. disclose each element of the claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). To constitute anticipation, the claimed subject matter must be

identically disclosed in the prior art. *In re Arkley*, 172 U.S.P.Q. 524 at 526 (C.C.P.A. 1972). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the art. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 101 (Fed. Cir. 1991). To overcome the defense of anticipation, "it is only necessary for the patentee to show some tangible difference between the invention and the prior art." *Del Mar Engineering Lab v. Physio-Tronics, Inc.*, 642 F.2d 1167, 1172, (9th Cir. 1981).

In claim 1 as amended, Applicants recite in the preamble the testing of a "graphical user interface." The Glenn reference refers to the testing of network security protocols and protocol interoperability testing (Glenn et al. pg 148, second column). The protocols tested by the system disclosed in Glenn are for "negotiating security associations" in Cerberus and PlutoPlus. As Glenn states on page 149 in the first column, Cerberus is a stateless IPsec protocol engine that resides in the Linux kernel and PlutoPlus is a key management daemon. Neither of these reference implementations are graphical in nature, they are not themselves graphical user interfaces, nor are their outputs per se graphical objects displayed in a GUI. Conversely, Applicants' claim 1 steps (a), (b) and (c) as amended provide for the selection of test cases for testing the functionality of objects in a GUI, which is not taught by Glenn et al.

Claim 1 step (d), as amended, recites the transmitting of an XML encoded test case file from an application server to a host machine. The Glenn reference teaches HTML encoded test cases, which is a different markup language. A person having ordinary skill in the art distinguishes HTML from XML as different mark-up languages and therefore the claim as amended distinguishes from the cited Glenn et al. reference. (See above, *Scripps Clinic* 927 F.2d 1565).

Claim 1 step (e) as amended, recites that test cases include GUI object functionality steps that are parsed out into a test script. Although Glenn discloses the use of the Perl language to parse code into a series of executable commands, it does so only with test cases written in HTML rather than XML, as is recited in the claim as amended. Furthermore, a person having ordinary skill in the art could not use the same Perl script to

parse XML encoded test case commands as to parse out HTML encoded test case commands.

Claim 1 step (f) as amended recites that a GUI is to be tested. Applicants respectfully dispute Examiner's contention that the elements of step (f) are found in Glenn et al., since Glenn et al. does not disclose an "automation tool GUI environment file." While the "state files" taught in Glen contain control parameters such as "tester configuration variables and IUT addresses" these parameters are mainly used for authentication and security of packets, key exchanges and user information for logging in and transferring data between networks; and mainly Unix run network systems. In contrast, the automation tool GUI environment file includes a wholly different set of parameters that educates automation testing tools (e.g., Winrunner, Visual Test and other equivalents) on the form and function of objects in a graphical user interface, so that the automation tool can test a piece of software designed using the same objects.

Claim 12 as amended includes as part of the claimed computer system computer, that the host machines include computer readable program code for parsing an XML encoded test case into a test script having commands for testing a GUI. As earlier argued, the computer system disclosed in Glenn in Figures 1 and 2 does not teach either of these elements thereby distinguishing this claim from the prior art.

Claims 5 and 15 as dependent claims are rendered allowable by the amendments made to the independent claims 1, 13 and 12 from which they respectively depend. Since there is no teaching in Glenn on XML encoded test cases and no disclosure of GUI interfaces or test scripts used to test the objects therein, Applicant respectfully contends that the claim is novel.

Claims 8 and 16 have been amended to include the recitation of XML encoded test cases and the inclusion of steps for testing GUI object functionality. These elements are not taught by Glenn.

The elements of claims 9, as amended and claim 17 are not taught by Glenn et al. Glenn's recitation of a "control and diagnostic interface to the test system through [a] GUI interface tool" is not applicable to claims 9 and 17. The nature of the present invention is the testing of the functionality of objects in a GUI interface using a web

based test case management tool (which itself is a GUI). Glenn at page 147, right column, lines 12-16 and page 148, right column, lines 4-20 teach the testing of a Cerberus and PlutoPlus system rather than of a GUI interface, as does the present invention.

Claim 11 is not taught by Glenn because there is teaching therein about GUI objects or GUI interfaces to be tested. Glenn's test cases and test system pertain to UNIX based key exchanges and security protocols not GUI objects.

As claims 13 and 19 depend from claim 12 which has been amended to include XML encoded test cases and the testing of GUI objects, similar arguments in support of novelty apply here.

Since claims 2, 3, 4, 10, 14 and 18 are canceled and Applicants respectfully contend that their rejection is rendered moot.

Applicant respectfully requests withdrawal of this rejection under 35 U.S.C. § 102.

§103 Rejection of the Claims

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, the reference(s) must teach or suggest all the claim limitations. Finally, there must be a reasonable expectation of success. The teaching or suggestion to make the claimed modification and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143. If the cited documents do not teach or suggest all the claim limitations, the rejection is improper.

Claim 20 is amended to include the recitation of GUI object test steps and XML encoded test cases. These claim elements are therefore also included by dependency in claims 21 and 22. Since the Examiner combines Glenn with Hogan to reject the claims on the basis of obviousness, Applicants now contend that the claims as amended include elements not found in the prior art. Accordingly, the combination of Glenn and Hogan do not together teach all of the elements of claims 20-22. Instead, Hogan reiterates all of

the elements of the Cerberus and PlutoPlus for their uses with IPsec and their testing using the NIST IPsec-WIT system. Accordingly, Hogan does not teach the testing of a GUI, XML encoded test cases or test scripts that include syntax that tests the functionality of GUI objects.

Accordingly, Applicant submits that the combination of Glenn and Hogan do not disclose or teach the invention and requests withdrawal of this rejection of claims 20-22 under 35 U.S.C. § 103(a).

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant at (510) 625-3127 to facilitate prosecution of this application.

Respectfully submitted,

KONSTANTIN MELAMED ET AL.

YEVSEY MELAMED ET AL.

Date 08/08/2006

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of August, 2006.

Konstantin Melamed	
Name	Signature
Yevsey Melamed	
Name	Signature